

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

IN RE PORK ANTITRUST
LITIGATION

Civil No. 18-cv-1776 (JRT/HB)

This Document Relates to:

All ACTIONS

**[PROPOSED] STIPULATED
ORDER REGARDING “PRIORITY
CUSTODIANS” AND JOINT
STATUS LETTER REGARDING
SEARCH METHODOLOGY
DISPUTES**

WHEREAS the Court entered an Order Regarding Production of Electronically Stored Information and Paper Documents (the “ESI Protocol”) on February 20, 2019 (ECF No. 292);

WHEREAS Plaintiffs proposed an additional “Order Regarding Search Methodology for Electronically Stored Information” (the “SMO”) (ECF No. 534-1 47 *et seq.*, Ex. D), and requested that the Court enter the SMO over Defendants’ objection in a joint letter brief dated November 20, 2020 (ECF No. 534), which dispute was scheduled for oral argument on December 18, 2020;

WHEREAS the Parties reached an agreement before oral argument began and further agreed that the agreement mooted the need for oral argument;

WHEREAS the Parties now further agree that all current deadlines related to search term and search methodology negotiations should be aligned;

THEREFORE, IT IS ORDERED that:

1. The Parties will conclude negotiations regarding document search methodology and search terms by January 15, 2021.
2. The Parties shall submit a joint status letter by January 22, 2021 regarding any disputes on document search methodology and search terms that remain after meeting and conferring, to the extent any party believes meeting and conferring on that topic is necessary.
3. Plaintiffs may collectively identify up to two custodians for each Defendant family (the “Defendant Priority Custodians”), among the custodians already agreed upon or that are subsequently ordered by the Court. Plaintiffs must identify any such Defendant Priority Custodians by Wednesday, December 23, 2020. Defendants may object to the specific custodians identified, and the relevant Parties will then negotiate in good faith over appropriate Defendant Priority Custodians. Defendants will substantially complete document production for the Defendant Priority Custodians by April 15, 2021. To the extent a Defendant believes the April 15, 2021 deadline becomes impracticable for either or both of its Defendant Priority Custodians due to future circumstances, such as delayed agreement and/or rulings on search terms, the Parties will work together in good faith to establish a fair deadline.
4. Defendants may collectively identify up to two custodians for each DPP (the “DPP Priority Custodians”). Defendants agree to identify those custodians reasonably promptly. DPPs may object to the specific custodians identified, and the relevant Parties will then negotiate in good faith over appropriate DPP Priority

Custodians. DPPs will substantially complete document production for the DPP Priority Custodians by April 15, 2021. To the extent a DPP believes the April 15, 2021 deadline becomes impracticable for either or both of its DPP Priority Custodians due to future circumstances, such as delayed agreement and/or rulings on search terms, the Parties will work together in good faith to establish a fair deadline.

5. The ESI Protocol will continue to govern document discovery in this case, and no aspect of the proposed SMO shall be effective, pending further order of the Court, if any.

IT IS SO ORDERED.

Dated:

HILDY BOWBEER
United States Magistrate Judge

Dated: December 23, 2020

Respectfully submitted,

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